



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 5

77 WEST JACKSON BOULEVARD

CHICAGO, IL 60604-3590

JAN 22 2018

REPLY TO THE ATTENTION OF:

**CERTIFIED MAIL**  
**RETURN RECEIPT REQUESTED**

Chris Barber, General Manager  
Heidtman Steel  
4400 County Road 59  
Butler, Indiana 46721

Re: Finding of Violation  
Heidtman Steel  
Butler, Indiana

Dear Mr. Barber:

The U.S. Environmental Protection Agency is issuing the enclosed Finding of Violation (FOV) to Heidtman Steel (you) under Section 113(a)(3) of the Clean Air Act (the Act), 42 U.S.C. § 7413(a)(3). We find that you are violating Section 112 of the Act, 42 U.S.C. § 7412, and its implementing regulations, and Title V of the Act, 42 U.S.C. § 7661 *et. seq.*, and its implementing regulations at your Butler, Indiana facility.

Section 113 of the Clean Air Act gives us several enforcement options. These options include issuing an administrative compliance order, issuing an administrative penalty order and bringing a judicial civil or criminal action.

We are offering you an opportunity to confer with us about the violations alleged in the FOV. The conference will give you an opportunity to present information on the specific findings of violation, any efforts you have taken to comply and the steps you will take to prevent future violations. In addition, in order to make the conference more productive, we encourage you to submit to us information responsive to the FOV prior to the conference date.

Please plan for your facility's technical and management personnel to attend the conference to discuss compliance measures and commitments. You may have an attorney represent you at this conference.

The EPA contact in this matter is Daniel Schaufelberger. You may call him at (312) 886-6814 to request a conference. You should make the request within 10 calendar days following receipt of this letter. We should hold any conference within 30 calendar days following receipt of this letter.

Sincerely,

A handwritten signature in dark ink, appearing to read 'Edward Nam', written in a cursive style.

Edward Nam  
Director  
Air and Radiation Division

Enclosure

cc: Phil Perry, Chief, Compliance and Enforcement Branch

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 5**

**IN THE MATTER OF:**

Heidtman Steel  
Butler, Indiana

Proceedings Pursuant to  
Section 113(a)(3) of the  
Clean Air Act, 42 U.S.C.  
§ 7413(a)(3)

**FINDING OF VIOLATION**

**EPA-5-18-IN-02**

**FINDING OF VIOLATION**

The U.S. Environmental Protection Agency (EPA) is issuing this Finding of Violation (FOV) to Heidtman Steel (Heidtman or you) to notify you that we have found violations of the Clean Air Act (the Act), 42 U.S.C. §§ 7401-7671q, and its implementing regulations at your facility located at 4400 County Road 59, Butler, Indiana. The relevant statutory and regulatory background, factual background, finding of violations, and environmental impact of these violations are set forth in detail below.

This FOV is issued in accordance with Section 113(a)(3) of the Act, 42 U.S.C. § 7413(a)(3). The authority to issue this FOV has been delegated by the Administrator to the Regional Administrator and re-delegated to the Director of the Air and Radiation Division for Region 5 of the EPA.

**Statutory and Regulatory Background**

1. The Act is designed to protect and enhance the quality of the nation's air so as to promote the public health and welfare and the productive capacity of its populations. Section 101(b)(1) of the Act, 42 U.S.C. § 7401(b)(1).

**Title V**

2. Section 502(a) of the Act, 42 U.S.C. § 7661a(a), provides that it is unlawful for any person to, among other things, operate a major source subject to Title V except in compliance with a Title V permit after the effective date of any permit program approved or promulgated under Title V of the Act.
3. Pursuant to Section 502(b) of the Act, 42 U.S.C. § 7661a(b), EPA promulgated regulations establishing the minimum elements of a Title V permit program to be administered by any air pollution control agency. *See 57 Fed. Reg. 32,295*. Those regulations are codified at 40 C.F.R. Part 70.

4. The EPA promulgated final interim approval of the Indiana Title V program on November 14, 1995, 60 *Fed. Reg.* 57191, and the program became effective on that date. This includes 326 IAC 2-7.
5. 40 C.F.R. § 70.7(b) provides that no Title V source may operate after the time that it is required to submit a timely and complete application except in compliance with a Title V permit issued under an approved permit program. *See also* 326 IAC 2-7-3.
6. 40 C.F.R. § 70.2 defines "major source," in part, as any stationary source that emits or has the potential to emit 10 tons per year (TPY) or more of any hazardous air pollutant (HAP) which has been listed pursuant to section 112(b) of the Act. *See also* 326 IAC 2-7-22(A)(i)(AA).
7. Section 503 of the Act, 42 U.S.C. § 7661b, and 40 C.F.R. § 70.5(a), set forth the requirement to submit a timely, accurate, and complete permit application for a permit, including information required to be submitted with the application. *See also* 326 IAC 2-7-3 and 326 IAC 2-7-4.

#### **National Emission Standards for Hazardous Air Pollutants**

8. Section 112(c) of the Act, 42 U.S.C. § 7412(c), requires EPA to promulgate a list of all categories and subcategories of major sources and area sources of HAP and establish emissions standards for the categories and subcategories. These emission standards are known as the National Emission Standards for Hazardous Air Pollutants (NESHAP). The purpose of the NESHAP is to ensure that all sources achieve the maximum degree of reduction in emission of HAP that EPA determines is achievable for each sources category.
9. Pursuant to Section 112(b) of the Act, 42 U.S.C. § 7412(b), EPA designates HAPs, which present or may present a threat of adverse effects to human health or the environment. Section 112(b) of the Act, 42 U.S.C. § 7412(b), lists hydrochloric acid (HCl) as a HAP.
10. Pursuant to Section 112(c) of the Act, EPA promulgated a list of categories and subcategories of major sources of the air pollutants listed pursuant to Section 112(b) of the Act, 42 U.S.C. § 7412(b).
11. Pursuant to Section 112(d) of the Act, EPA promulgated regulations implementing the NESHAP at 40 C.F.R. Part 63.
12. Section 112(a) of the Act, 42 U.S.C. § 7412(a), and 40 C.F.R. § 63.2 define "major source" as any stationary source or group of stationary sources located within a contiguous area and under common control that emits or has the potential to emit considering controls, in the aggregate, 10 tons per year (TPY) or more of any HAP or 25 TPY or more of any combination of HAPs.
13. Section 112(i)(3) of the Act, 42 U.S.C. § 7412(i)(3), and 40 C.F.R. § 63.4, prohibit the owner or operator of any source from operating such source in violation of any NESHAP applicable to such source.

14. The NESHAP, at 40 C.F.R. Part 63, Subpart A, contains general provisions applicable to the owner or operator of any stationary source that contains an affected source subject to the NESHAP at Part 63. These general provisions include definitions at 40 C.F.R. § 63.2.
15. The NESHAP, at 40 C.F.R. § 63.2, defines “affected source” as the collection of equipment, activities, or both within a single contiguous area and under common control that is included in an Act Section 112(c) source category or subcategory for which a Section 112(d) standard or other relevant standard is established pursuant to Section 112 of the Act.
16. The NESHAP, at 40 C.F.R. § 63.2, defines “existing source” as any affected source that is not a new source.

**NESHAP for Steel Pickling – HCl Process Facilities and Hydrochloric Acid Regeneration Plants at 40 C.F.R. Part 63, Subpart CCC**

17. On June 22, 1999, EPA promulgated the NESHAP for Steel Pickling – HCl Process Facilities and Hydrochloric Acid Regeneration Plants (Pickling NESHAP), codified at 40 C.F.R. Part 63, Subpart CCC. 64 *Fed. Reg.* 33218.
18. 40 C.F.R. § 63.1160(a)(1) provides that the “owner or operator of an affected existing steel pickling facility and/or hydrochloric acid regeneration plant subject to this subpart shall achieve initial compliance with the requirements of this subpart no later than June 22, 2001.”
19. 40 C.F.R. § 63.1155(a)(1) provides that the provisions of the Pickling NESHAP apply to all new and existing steel pickling facilities or plants that are major sources of HAP and pickle carbon steel using HCl solution that contains 6 percent or more by weight HCl and is at a temperature of 100 degrees Fahrenheit or higher.
20. 40 C.F.R. § 63.1155(b) provides that, for the purposes of implementing the subpart, the affected sources at a facility or plant subject to this subpart include continuous pickling lines and hydrochloric acid storage vessels.
21. 40 C.F.R. § 63.1156 defines “continuous pickling line” as the collection of equipment and tanks configured for pickling metal strip, rod, wire, tube, or pipe that is passed through an acid solution in a continuous or nearly continuous manner and rinsed in another tank or series of tanks to remove residual acid. This definition includes continuous spray towers.
22. 40 C.F.R. § 63.1156 defines “hydrochloric acid storage vessel” as a stationary vessel used for the bulk containment of virgin or regenerated hydrochloric acid.

**NESHAP for Major Sources: Industrial, Commercial, and Institutional Boilers and Process Heaters at 40 C.F.R. Part 63, Subpart DDDDD**

23. On March 21, 2011, EPA promulgated the NESHAP for Major Sources: Industrial, Commercial, and Institutional Boilers and Process Heaters (Boiler NESHAP ), codified at 40 C.F.R. Part 63, Subpart DDDDD. 76 *Fed. Reg.* 15664. This subpart applies to new and existing industrial boilers and process heaters located at major stationary sources of HAPs.
24. 40 C.F.R § 63.7495(b) requires the owner or operator of an existing affected source subject to this subpart achieve initial compliance with the requirements of this subpart no later than January 31, 2016.
25. 40 C.F.R. § 63.7485 provides that the provisions of this subpart apply to owners or operators of an industrial, commercial, or institutional boiler or process heater as defined in 40 C.F.R. § 63.7575 that is located at, or is part of, a major source of HAP, except as specified in 40 C.F.R. § 63.7491.
26. 40 C.F.R. § 63.7490(a)(1) provides that an existing affected source, as defined for this subpart, is the collection at a major source of all existing industrial, commercial, and institutional boilers and process heaters within a subcategory as defined in 40 C.F.R. § 63.7575.
27. 40 C.F.R. § 63.7490(d) defines a boiler or process heater as existing if it is not new or reconstructed.
28. 40 C.F.R. § 63.7490(d) defines a boiler or process heater as new if construction of the units commenced after June 4, 2010.
29. 40 C.F.R. § 63.7490(c) defines a boiler or process heater as reconstructed if the criteria defined in 63.2 are met, reconstruction commenced after June 4, 2010, and the applicability criteria is met at the time reconstruction commenced.
30. 40 C.F.R. § 63.7575 defines an industrial boiler as a boiler used in manufacturing, processing, mining, and refining or any other industry to provide steam, hot water, and/or electricity.

**Relevant Factual Background**

31. Heidtman owns and operates a steel pickling facility at 4400 County Road 59, Butler, Indiana (the facility).
32. Heidtman submitted a permit application titled "Registration Construction Permit Application Hydrochloric Push-Pull Pickler Facility for HS Processing LP" to Indiana Department of Environmental Management (IDEM) on April 13, 1995. The permit application provided operational specifications of its pickling line and 3 tray wet scrubber-mist eliminator operations at the facility.

33. On August 9, 1995, IDEM issued an exemption from air pollution permit requirements (Exemption CP 033-4506) to Heidtman, with an amendment (Amendment to Exemption CP 033-4506) on November 22, 1995.
34. At the facility, Heidtman operates one industrial natural gas-fired boiler, installed in 1995 and rated at 10.9 MMBtu/hour.
35. At the facility, Heidtman also operates a continuous steel pickling line consisting of four HCl tanks connected in series. Steel strips are uncoiled and push-pulled through the pickling line. The HCl is applied to steel strips at an average concentration of 13% by weight, and at a temperature between 170 and 185 degrees Fahrenheit.
36. On February 24, 2000, Heidtman submitted a letter to IDEM regarding the applicability of the Pickling NESHAP to the facility. In that letter, Heidtman stated that, based on USEPA Method 26A testing conducted by its pickle line manufacturer, the controlled emissions from their pickling line are 2 lbs/day. The results of this test indicate that Heidtman's pickling line has the potential to emit HCl in an amount greater than 10 TPY.
37. Heidtman operates a "major source" of HAP, as defined at 40 C.F.R. §§ 63.2 and 70.2.
38. Heidtman is subject to the requirements of Title V of the Act, 42 U.S.C. §§ 7661 *et seq.*; the Pickling NESHAP, 40 C.F.R. Part 63, Subpart CCC; and the Boiler NESHAP, 40 C.F.R. Part 63, Subpart DDDDD.
39. Heidtman has not applied for nor obtained a Title V permit.

### **Violations**

#### **Title V Violations**

40. Heidtman failed to submit a timely Title V permit application to the State of Indiana in violation of 40 C.F.R. § 70.5(a) and Section 503 of the Act. *See also* 326 IAC 2-7-4.
41. By failing to apply for and obtain a Title V operating permit, Heidtman has violated and continues to violate the Title V requirements at 40 C.F.R. § 70.7(b) and Section 502 of the Act. *See also* 326 IAC 2-7-3.

#### **NESHAP Violations**

42. Heidtman has been and continues to be a major source of HAP and, since June 22, 2001, has been required to comply with the requirements of the Pickling NESHAP. Heidtman has failed to comply with applicable requirements, which include a complete scrubber operation and maintenance plan, requirements to demonstrate initial and continuous compliance with emission limits, operating limits, work practice standards, and recordkeeping and reporting requirements associated with the facility's pickling line.
43. Heidtman has been and continues to be a major source of HAP and, since January 31, 2016, has been required to comply with the requirements of the Boiler NESHAP for

existing industrial boilers for its 10.9 MMBtu/hr natural gas-fired industrial boiler. Heidtman has failed to comply with the applicable requirements, which include the completion of a boiler energy assessment, required regular boiler tune-ups and other work practice standards, submission of compliance notifications, and submission of boiler tune-up compliance reports.

#### **Environmental Impact of Violations**

44. The violations above have resulted in elevated emissions of hydrogen chloride. Acute inhalation exposure may cause eye, nose, and respiratory tract irritation and inflammation and pulmonary edema in humans. Acute oral exposure may cause corrosion of the mucous membranes, esophagus, and stomach and dermal contact may produce severe burns, ulceration, and scarring in humans. Chronic occupational exposure to hydrochloric acid has been reported to cause gastritis, chronic bronchitis, dermatitis, and photosensitization in workers. Prolonged exposure to low concentrations may also cause dental discoloration and erosion.

Date

1/22/18

Edward Nam

Director

Air and Radiation Division



CERTIFICATE OF MAILING

I certify that I sent a Finding of Violation, No. EPA-5-18-IN-02, by Certified Mail,

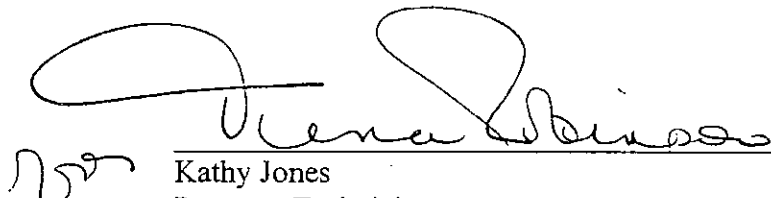
Return Receipt Requested, to:

Chris Barber, General Manager  
Heidtman Steel  
4400 County Road 59  
Butler, Indiana 46721

I also certify that I sent copies of the Finding of Violation by first-class mail to:

Phil Perry, Chief  
Compliance and Enforcement Branch  
Office of Air Quality  
Indiana Department of Environmental Management  
100 North Senate Avenue, Room IGCN 1003  
Indianapolis, Indiana 46204-2251

On the 24<sup>th</sup> day of January 2018.

  
Kathy Jones  
Program Technician  
AECAB, PAS

CERTIFIED MAIL RECEIPT NUMBER: 70150640000459655762